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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2013-55**

12 **BRUCE WALLACE THOMPSON**
13 **6611 Crawford Street**
14 **San Diego, CA 92120**

A C C U S A T I O N

15 **Registered Nurse License No. 526763**
16 **Nurse Practitioner Certificate No. 12901**
Nurse Practitioner Furnishing Certificate
No. 12901

17 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
23 of Consumer Affairs.

24 2. On or about September 23, 1996, the Board of Registered Nursing issued Registered
25 Nurse License Number 526763 to Bruce Wallace Thompson (Respondent). The Registered
26 Nurse License was in full force and effect at all times relevant to the charges brought herein and
27 will expire on December 31, 2013, unless renewed.

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3. On or about September 6, 2001, the Board of Registered Nursing issued Nurse Practitioner Certificate Number 12901 to Bruce Wallace Thompson (Respondent). The Nurse Practitioner Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2013, unless renewed.

4. On or about March 27, 2002, the Board of Registered Nursing issued Nurse Practitioner Furnishing Certificate Number 12901 to Bruce Wallace Thompson (Respondent). The Nurse Practitioner Furnishing Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2013, unless renewed.

JURISDICTION

5. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

6. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

8. Section 2761(a)(1) of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

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REGULATORY PROVISIONS

9. California Code of Regulations, title 16, Section 1442 states:

As used in Section 2761 of the code, "gross negligence" includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

10. California Code of Regulations, title 16, Section 1443 states:

As used in Section 2761 of the code, "incompetence" means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

11. California Code of Regulations, title 16, Section 1443.5 states:

A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

(1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.

(2) Formulates a care plan, in collaboration with the client, which ensures that direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and for disease prevention and restorative measures.

(3) Performs skills essential to the kind of nursing action to be taken, explains the health treatment to the client and family and teaches the client and family how to care for the client's health needs.

(4) Delegates tasks to subordinates based on the legal scopes of practice of the subordinates and on the preparation and capability needed in the tasks to be delegated, and effectively supervises nursing care being given by subordinates.

(5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.

(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided.

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1 **COST RECOVERY**

2 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **CAUSE FOR DISCIPLINE**

7 (Unprofessional Conduct: Gross Negligence and Incompetence)

8 13. Respondent is subject to disciplinary action for unprofessional conduct under section
9 2761(a)(1) of the Code in that he was incompetent and grossly negligent in carrying out usual
10 certified or licensed nursing functions in his care and treatment of Patient Donald L. The
11 circumstances are as follows:

12 14. In or about 2006, 85 year old Patient Donald L. was treated at Kaiser Permanente San
13 Diego for a left side renal mass. CT scans taken over four years revealed the presence of the
14 mass on April 24, 2006, and November 21, 2007. On April 4, 2010, the mass was noted to be
15 enlarged from the prior 2007 study, on August 25, 2010, the mass had increased in size since the
16 April, 2010 study, and on October 4, 2010, the mass was documented as being in the upper pole
17 of the left kidney. Donald L. agreed to undergo surgery to have the left kidney removed.

18 15. On December 13, 2010, Respondent saw Patient Donald L. for a pre-surgical
19 consultation, and performed a history and physical. Respondent documented

20 Computerized Tomography initially in 04/06 and was found to have a 3
21 centimeter renal mass. States that it had been stable until last year where it started to
22 increase in size and would like to have it removed. States that he has been having
right flank pain . . .

23 Respondent's note does not reference whether the mass was on the right or left side, but
24 that Patient Donald L. had pain on the right flank. Respondent finalized the pre-surgical process
25 and had Patient Donald L. sign a surgical consent for the removal of his right kidney.

26 16. On December 18, 2010, Patient Donald L.'s right kidney was surgically removed. It
27 was later discovered by pathology that the incorrect kidney was removed.

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17. Subsequently, in an interview with investigators, Respondent stated that he performed a history and physical on Patient Donald L. and that Donald L. told him that the surgery was to remove his right kidney and that he pointed to his right side. Respondent admitted that he did not review any of the relevant CT images from the past four years that indicated the tumor was located on the left kidney. Respondent also admitted that he had Donald L. sign a surgical consent for the removal of his right kidney.

18. Pathology documented that the right kidney had no mass, but it did have an aggressive cancer.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 526763, issued to Bruce Wallace Thompson

2. Revoking or suspending Nurse Practitioner Certificate Number 12901, issued to
Bruce Wallace Thompson;

3. Revoking or suspending Nurse Practitioner Furnishing Certificate Number 12901,
issued to Bruce Wallace Thompson;

4 Ordering Bruce Wallace Thompson to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

5 Taking such other and further action as deemed necessary and proper.

DATED:

July 18, 2012

for Stacie R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant